

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ALACRITECH, INC.,

Plaintiff,

v.

CENTURYLINK, INC., *et al.*,

WISTRON CORPORATION, *et al.*,

DELL INC.,

Defendants,

and

INTEL CORPORATION, *et al.*,

Intervenors.

Case No. 2:16-cv-00693-RWS-RSP
(LEAD CASE)

Case No. 2:16-cv-00692-RWS-RSP

Case No. 2:16-cv-00695-RWS-RSP

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO EXTEND DEADLINE TO RESPOND TO
BANKRUPTCY STAY DKT. 613**

Plaintiff Alacritech, Inc., files this motion for a 21-day extension of time to respond to the stay ordered by the Court on June 6, 2023 (Dkt. 613), due to Defendant Cyxtera Communications, LLC's (Cyxtera) Notice of Suggestion of Bankruptcy (Dkt. 612). In its June 6, 2023 Order, the Court ordered Alacritech to file within 30 days either (1) a motion to dismiss its claims against Cyxtera or (2) a motion in the Bankruptcy Court to lift the stay against Cyxtera for the limited purpose of pursuing its claims to judgment. However, Alacritech, Cyxtera, and Defendant CenturyLink Communications, LLC (CenturyLink), need additional time to continue discussing the implications of Cyxtera's bankruptcy on this case. A 21-day extension of time (to July 27, 2023) will allow the parties to do so without affecting any deadline for any other party and will, in fact, align with the deadlines requested in Alacritech's and CenturyLink's separately filed joint

motion to extend the deadlines for their respective expert reports. Under this arrangement, Alacritech would inform the Court of its response to Cyxtera's bankruptcy stay on or before the date on which Alacritech's supplemental expert reports regarding CenturyLink (and formerly Cyxtera) would be due. CenturyLink has been informed of this motion and does not oppose.

Dated: July 6, 2023

/s/ Brian E. Mack

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Attorneys for Plaintiff Alacritech, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service on July 6, 2023.

/s/ Brian E. Mack
Brian E. Mack

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that this motion is unopposed.

/s/ Brian E. Mack
Brian E. Mack